

## **Chapter 62**

### **PEDDLERS AND SOLICITORS**

- Sec. 62-1. License required; hours of operation; going on posted property.
- Sec. 62-2. Definitions.
- Sec. 62-3. Application for license.
- Sec. 62-4. Investigation of applicant for license.
- Sec. 62-5. License fee.
- Sec. 62-6. License card.
- Sec. 62-7. Exhibition of license.
- Sec. 62-8. Enforcement.
- Sec. 62-9. Records.
- Sec. 62-10. Revocation of license.
- Sec. 62-11. Exemptions; requirements for charitable and non-profit organizations.
- Sec. 62-12. Registration of persons engaged in interstate commerce.
- Sec. 62-13. Expiration of license.
- Sec. 62-14. Penalty.

This page intentionally left blank.

**Sec. 62-1. License required; hours of operation; going on posted property.**

- (a) It shall hereafter be unlawful for any solicitors or canvassers of orders for services or merchandise, or for peddlers, itinerant merchants and transient vendors of merchandise, or for distributors of advertising handbills, leaflets, or papers, to go in or upon the premises of any private residence in the city without a valid license issued by the city, or go thereon with a license prior to 10:00 a.m. or after 6:00 p.m., or at any time on Sundays, unless previously requested to do so by the owner or occupants of said private residence, for the purpose of soliciting orders for the furnishing of any service or for the sale of goods, services, wares and merchandise, or for the purpose of disposing of, contracting for, or peddling the same, or to distribute any printed or written advertising handbills, leaflets, or papers.
- (b) It shall hereafter be unlawful for any person engaged in any of the businesses described above to engage in such business in defiance of any notice exhibited by a residence or business indicating that solicitors are not welcome or not invited.

(Ord. No. 110, §1, 12-11-1997)

**Sec. 62-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser* or *solicitor* means any individual, whether a resident of the city or not, traveling by foot, wagon, automobile, motor truck, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of personal property of any nature whatsoever to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or advertising matter as to such service or whether he is collecting advance payments on such sales or not; providing that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, vehicle or other place within the city for the sole purpose of exhibiting samples and/or advertising matter and taking orders for such services or sales for future performance or delivery.

*Interstate commerce* means soliciting, selling or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines, or subscriptions of newspapers or magazines, which, at the time the order is taken, are in any foreign country, any federal territory or district, or any state other than Texas, or will be produced in any foreign country, any federal territory or district, or any state other than Texas, and shipped or introduced into this city in the fulfillment of such orders.

*Peddler* includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting any goods, wares and merchandise whatever, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from any vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler, subject to the provisions of this chapter.

*Person* includes the singular and plural and shall also mean and include any person, firm, corporation, association, club, co-partnership or society, or any other organization.

(Ord. No. 110, §2, 12-11-1997)

### **Sec. 62-3. Application for license.**

Applicants for licenses under this chapter shall make written application to the city secretary for a license. Such application shall show name and address of the applicant, the name and address of the person, firm or corporation, if any, and the description of the activity sought to be licensed. Two recent photographs of the applicants shall be provided, one to be attached to the license issued by the chief of police and one to remain in the files of the police department. (Ord. No. 110, §3, 12-11-1997)

### **Sec. 62-4. Investigation of applicant for license.**

Upon receipt of such application, the original shall be referred to the chief of police, who shall cause such investigation of the applicant's business moral character to be made as he deems necessary, if any, for the protection of the public good. (Ord. No. 110, §4, 12-11-1997)

### **Sec. 62-5. License fee.**

The fee for licenses to cover the cost of investigation shall be as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be non-refundable. (Ord. No. 110, §5, 12-11-1997; Ord. No. 394, §5, 2-12-2009)

### **Sec. 62-6. License card.**

The chief of police shall issue to each licensee, at the time of delivery of his license, a card which shall contain the words "City of Helotes, PEDDLER, CANVASSER OR SOLICITOR'S LICENSE" and the period for which the license is issued and the number of the license, in letters and figures easily discernible. (Ord. No. 110, §6, 12-11-1997)

### **Sec. 62-7. Exhibition of license.**

Such license shall, during the time such licensee is engaged in soliciting, canvassing or peddling, be worn constantly by the licensee in front of his outer garment in such a way as to be conspicuous. (Ord. No. 110, §7, 12-11-1997)

### **Sec. 62-8. Enforcement.**

It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, or who is not wearing the required license, to produce his peddler's, canvasser's or solicitor's license and to enforce the provisions of this chapter against any person found to be violating the same. (Ord. No. 110, §8, 12-11-1997)

**Sec. 62-9. Records.**

The chief of police shall report to the city administrator all convictions of violations of this chapter. The chief of police shall maintain a record of each license issued and record the reports of violation therein. (Ord. No. 110, §9, 12-11-1997)

**Sec. 62-10. Revocation of license.**

Licenses issued under provisions of this chapter may be revoked by the chief of police after notice, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as canvasser, or peddler, or itinerant merchant, or transient vendor of merchandise;
- (3) Any violation of this chapter;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business of soliciting, canvassing, or peddling in an unlawful manner, or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(Ord. No. 110, §10, 12-11-1997)

**Sec. 62-11. Exemptions; requirements for charitable and non-profit organizations.**

The provisions of this chapter shall not apply to sales made to dealers by commercial travelers or sales agents in the usual course of business nor sales under authority and by order of law. Further, the license fee shall not apply to charitable or nonprofit organizations which would otherwise be regulated by this chapter if, at the time an application is made for such license, the said charitable or non-profit organization submits satisfactory evidence to city staff of its charitable or non-profit status. Solicitors of funds or services or property for charitable or non-profit purposes may be required to file a current organization financial statement with the application. Where such charitable or non-profit organizations are required to obtain a peddler's, canvasser's or solicitor's license, its application for a license shall be processed in the same manner as a license which is processed under sections 62-3 and 62-4. (Ord. No. 110, §11, 12-11-1997)

**Sec. 62-12. Registration of persons engaged in interstate commerce.**

- (a) The provisions of this chapter pertaining to license fees shall not apply to persons engaged in interstate commerce as that term is herein defined; provided, however, that it shall be unlawful for persons engaged in interstate commerce to go from house to house or place to place in the city without having first registered with the city giving the following information:
  - (1) Name, home address and local address, if any, of the registrant.
  - (2) Name, and address of the person, firm or corporation, if any, that he represents or for whom or through whom orders are to be solicited or cleared.
  - (3) Nature of the articles or things which are to be sold or for which orders are to be solicited.

- (4) Whether the registrant, upon any sale or order, shall demand or receive or accept payment or deposit of money in advance of final delivery.
  - (5) Period of time which the registrant wishes to solicit or sell in the city.
  - (b) The registrant, at the time of the registration, as herein provided for, shall submit, for inspection of the police department, written proof of his identity, which may be in the form of an automobile operator's license, identification letter or card issued to the registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared, and pay registration fee of \$10.00.
- (Ord. No. 110, §12, 12-11-1997)

**Sec. 62-13. Expiration of license.**

All licenses issued under the provisions of this chapter shall expire at 6:00 p.m. on the 120th day following the date of issuance. (Ord. No. 110, §13, 12-11-1997)

**Sec. 62-14. Penalty.**

Any person, firm or corporation violating any provisions of this chapter or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00, and each and every day or fraction of a day during which this chapter, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such. (Ord. No. 110, §14, 12-11-1997)

Chapters 63 - 65. Reserved.

